



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

September 14, 2011

✓ Mr. Michael King

REDACTED

Warning Letter Re: FPPC No. 09/0296; Michael King

Dear Mr. King:

The Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act ("Act"),¹ found in Government Code Section 81000, et seq. This letter is in response to a non-filer referral from your filing officer that alleged you failed to file a major donor campaign statement.

The FPPC has reviewed campaign reports and completed its investigation of the facts in your case. Specifically, the FPPC found that you violated the Act's disclosure provisions when you failed to:

- properly report a \$10,000 contribution made on June 5, 2006 to Preschool for All on your Late Contribution Report (Form 497);
- properly report a \$22,300 contribution made on November 3, 2006 to Californians for Schwarzenegger 2006 on your Major Donor Campaign Statement (Form 461); and
- timely file your Major Donor Campaign Statement (Form 461) for the July 1, 2008 through December 31, 2008 period (due January 31, 2009).

Section 82013 defines a major donor committee to include any person who makes contributions totaling \$10,000 or more in a calendar year to or at the behest of candidates or committees. Section 84200 of the Act requires persons who qualify as a major donor to file a Major Donor Campaign Statement on a semi-annual basis disclosing the contributions made during the previous six-month period. Additionally, Section 84203 of the Act requires a committee that makes a contribution of \$1,000 or more during the final 16 days before an election to file a Late Contribution Report within 24 hours.

Your actions violated the Act because you made a \$10,000 contribution to Preschool for All on June 5, 2006 but failed to report it on your Late Contribution Report, made a \$22,300

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

contribution to Californians for Schwarzenegger 2006 on November 3, 2006 but failed to report it on your Major Donor Campaign Statement, and you failed to timely file a Major Donor Campaign Statement by January 31, 2009 for the July 1, 2008 through December 31, 2008 period. However, since the statute of limitations precludes our ability to pursue the two 2006 violations and you successfully filed your 2008 semi-annual Major Donor Campaign Statement in April of 2009, we are closing your case with this warning letter. Although the Enforcement Division is not seeking a penalty in the current matter, the information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Tracey Frazier at (916) 327-2019 with any questions you may have regarding this letter.

Sincerely,

REDACTED

✓ Gary S. Winuk
Chief, Enforcement Division